

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3362 OF 2006.

The State of Maharashtra. ... Applicant.
Versus.
Tanaji Appaji Nayakwade & anr. ... Respondents.
Shri S.R.Borulkar, P.P. for the Applicant.

CORAM : ABHAY S.OKA, J.

DATED : 19th December, 2006.

P.C.:

1. Heard the learned P.P. in support of the prayer for grant of the leave to prefer an appeal. The Respondents have been acquitted for offences under section 325 and 323 of the Indian Penal Code.

2. A perusal of the impugned judgment shows that the learned trial Judge has considered the evidence of every prosecution witnesses. It is an admitted fact that there was a dispute between the Complainant and the 2nd Respondent. The 2nd Respondent had filed a civil suit against the Complainant in which a temporary injunction was granted restraining the Complainant from entering the property which is allegedly the cause of the incident.

3. The case of the complainant was that he went to the spot of incident only with the object of taking photographs. The evidence on record discloses that

there is a compound wall around the house of the Respondent No.2 and there are several trees in front of the house of the Respondent No.2. Therefore, it was difficult to take photographs of the house from outside. The camera allegedly used by the Complainant was not seized.

4. The learned trial Judge found that the witnesses were related to the Complainant and the evidence of the witnesses was inconsistent. The view taken by the learned trial Judge is a possible view. No case is made out for grant of leave.

5. Application is rejected.

Judge.